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2243273

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 05-06-09	Bureau/Station/Facility: Patrol / Lennox Sheriff Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 009-4673-0373-055	Date: 05-06-09 Time: 0306
City or Station: Lennox Sheriff Station	Nature of Incident: Suspects are burglarizing a residence. The victims called 9-1-1. Deputies arrive at location and Dep. Cheshier saw the suspects exiting a rear window and initiated a foot pursuit. The suspect jumped over a fence and Deputy Cheshier saw the suspect reaching for a weapon. Fearing for his life, he fired three shots at the suspect. The suspect turned toward Deputy [redacted] with his hands in his waistband. Deputy [redacted] fearing for his life fired one shot at the suspect.
Location: [redacted] St. Andrews Place, Los Angeles, Ca. 90047	

Location Type (*circle one or more*): **Backyard**, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ________

Lighting (*circle only one*): **Darkness**, Daylight, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 10-15 feet

Incident Type (*circle one or more*): Accidental, Armed Person, **Fleeing Suspect**, **Foot Pursuit**, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ________

Initiated by (*circle only one*): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
4	0	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM / PM / Day	ShiftType (*circle only one*): Regular / Overtime / Off Duty
[redacted]	[redacted]	[redacted]		**EM**	**Regular**
[redacted]	Digiovanni	Richard	J.	**EM**	**Regular**
[redacted]	Strickland	Michael	A.	**EM**	**Regular**

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*): On Duty / Present during shooting / Witness to shooting / Involved in shooting
[redacted]	Strickland	Michael	A.	**On Duty**, **Present during shooting**
[redacted]	Burgin	Terry		**On Duty**

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Meehan	John	D.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Inge	Michael	R.

PSTD Use Only

SH # 2243273

Officer Involved Shooting

'RN: 009-4673-0373-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05-06-09	0700	09-03-10	

Employee #	Last Name	First Name	M.I
[redacted]	Brickert	Scott	J.
[redacted]	Ramirez	Jack	H.
[redacted]	Rios	Jimmy	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FO					NN	
E#1	S#1	FH	BR	9	Y	Y	GS	AR
S#1	E#2	UC					NN	
E#2	S#1	FH	BR	9	Y	Y	GS	GR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 009-4673-0373-055

Involved Employee

E 1

Employee # [redacted]	Last Name Cheshier	First Name Casey	M.I. R.
Sex: M Race: W	Rank Deputy	Unit Assignment: Lennox Sheriff Station	Work Assignment (Unit #, Module, etc.): Unit 31A
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☒
Hrs of sleep prior to shooting: 6-8 hrs	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6'03"	Weight: 195	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Berretta	Caliber 9	# Shots 3	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: W	Rank Deputy	Unit Assignment: Lennox Sheriff Station	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted] PM Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? [redacted]
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6'02"	Weight: 250	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Berretta	Caliber 9	# Shots 1	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

JRN: 009-4673-0373-055

Suspect Information

S 1

Last Name James		First Name Danny	M.I. J.
AKA Last Name		First Name Dannie	M.I.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: D.O.B. 09-23-90	Height: 6'00 Weight: 185	FBI # [redacted]	CII # [redacted]
Booking # 1906889	Primary Charge: 69 PC	Secondary Charge: 459 P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED-HIT SHOOTING EVALUATION

UNIT: Lennox Station
DATE: May 6, 2009
TIME: 0306 hours
LOCATION: [redacted] S. Saint Andrews Place, Los Angeles, CA 90047
URN#: 009-04673-0373-055
IAB#: SH2243273

NATURE OF INCIDENT:

On Wednesday, May 6, 2009, Sergeants Jimmy Rios and Jack Ramirez of the Internal Affairs Bureau (IAB) responded to [redacted] S. Saint Andrews Place, Los Angeles, regarding a Deputy Involved Shooting, involving Lennox Station Deputies Cheshier and [redacted]. IAB Lieutenant Scott Brickert responded to the incident and checked to see if the Watch Commander, Sergeant Michael Inge, took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and the involved and witness personnel did not collectively consult with their attorney or representatives. In addition, Lieutenant Brickert checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor, until they provided a statement to the assigned investigators. Sergeants Gilbert Anderson, Gean Okada, Richard Garcia, and Detectives Frank Salerno, Louie Aguilera and Mitchell Robison from Homicide Bureau were on scene to conduct the criminal investigation.

The summary of this incident is based on physical evidence collected at the scene by Los Angeles Sheriff's Department Crime Lab personnel, as well as the information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package (**Refer to Exhibit A).**

On May 6, 2009, at approximately 0303 hours, Lennox Station Deputies Casey Cheshier #[redacted] and Richard DiGiovanni #[redacted] Unit 31A, and Deputies [redacted] #[redacted] and [redacted] #[redacted] Unit [redacted] along with Sergeant Michael Strickland #[redacted] Unit 30S, responded to a "burglary now" call at [redacted] S. Saint Andrews Place, in the unincorporated County area of Los Angeles.

The units positioned themselves near the residence, and Deputy Cheshier observed two suspects, later identified as Suspect Danny James and Subject 1 [redacted] He saw Suspect Danny James reaching into a southeast bedroom window and receiving an object from Subject [redacted] Deputy Cheshier ordered the suspect and subject to stop, causing both to run west and jump over a cinder block wall. Deputy Cheshier saw Sergeant Strickland run toward his direction, so he initiated a foot pursuit of the suspect and subject into the rear yard of the location. The suspect and subject ran north through the yard and climbed over another block wall. He terminated his short foot pursuit and advised assisting units via his portable radio.

Moments later, Suspect James climbed back over the wall. Deputy Cheshier saw the suspect reach into his waistband area and pull out a pistol. He told him to stop, but he did not comply with his command. Fearing for his safety, Deputy Cheshier fired three rounds at Suspect Danny James.

Deputy [redacted] ran to the location from his position of containment and saw the suspect and subject climb over the wall. He saw Subject [redacted] run in a northeast direction. He saw Suspect Danny James climb back over the wall and then heard three gunshots. He saw the suspect through an open gate and ordered the suspect to show his hands. The suspect did not comply with his order. Fearing for Deputy Cheshier's safety, he fired one round at the suspect.

Suspect Danny James was treated for gunshot wounds by Los Angeles County Fire Department Paramedics from Engine #14, under the command of Captain Burnett. He was transported to Harbor General Hospital where he was treated for his injuries.

INVOLVED PERSONNEL:

CHESHIER, CASEY, Deputy Sheriff, #[redacted]
Lennox Station, Field Operations Region II

[redacted] Deputy Sheriff, #[redacted]
Lennox Station, Field Operations Region II

EMPLOYEE WORK HISTORY:

CHESHIER, CASEY, Deputy Sheriff, #[redacted]
Lennox Station, Field Operations Region II

Date of Employment: July 20, 2000
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]



[redacted] Deputy Sheriff, #[redacted]
Lennox Station, Field Operations Region II



Date of Employment [redacted]
Date Assigned to Patrol [redacted]
Completed Patrol Training [redacted]
Prior Shooting Incidents [redacted]
Prior Founded Force Incidents [redacted]

SUSPECT:

James, Danny, MB/18, DOB 09-23-1990, 6'02", 190lbs., Black/Brown
[redacted]
Booking #[redacted] **C.I.I. #**[redacted] **FBI #**[redacted]

Suspect James' criminal history consisted of [redacted], [redacted] [redacted], [redacted], [redacted] and [redacted]. **Exhibit A-Pages 127-128.**

INVOLVED DEPUTY WITNESSES:

DiGiovanni, Richard, Deputy Sheriff #[redacted]
[redacted] Deputy Sheriff #[redacted]
Strickland, Michael, Sergeant #[redacted]

NON-DEPARTMENT WITNESSES:



[redacted] **FB/25**
[redacted] **FB/77**

INJURIES:

Sworn Personnel:

Sergeant Strickland injured his left hand when he fell onto the ground. He did not receive any medical treatment for his injury.

Suspect:

Suspect Danny James received gunshot wounds to his left biceps area, left index finger, and left thigh area. He was treated by Los Angeles County Fire Paramedics from Engine Co. #14, under the command of Captain Burnett at the scene for his wounds and was transported by McCormick Ambulance to Harbor General Hospital, where he was treated by Dr. Ratanaproeska.

PHYSICAL EVIDENCE:

Refer to Homicide case book, **Exhibit A, pages 90-103**, for information regarding evidence obtained and processed.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during night time hours. The weather was a cold and clear night.

WEAPONS USED BY SUSPECT:

The pistol held by Suspect James was found to be a plastic water gun. The plastic water gun was located on the grass near the northwest corner of the back yard.

> **IAB Note:** Homicide Sergeant Gean Okada spoke to the resident, [redacted] on August 31, 2010, regarding the plastic water pistol recovered outside the residence next to the suspect. Ms. [redacted] stated the water gun and the rabbit type purse depicted in the photograph belonged to her [redacted]. She stated those items normally are kept inside her home. She did not know if those items were left outside the evening prior to the shooting. **Exhibit B** is a photocopy of a photograph depicting the water gun and the rabbit type purse.

PROPERTY DAMAGE:

The northwest side entry door, which led to the kitchen area, was bent and pulled away from the exterior wall. After the shooting, the deputies utilized a pick and ram to gain entry into the house to look for additional suspects/victims. No bullet holes or impacts were observed by Scientific Services Bureau Firearms Examiner Edmund Anderson. **(Exhibit A, refer to page 114).**

CHARGES FILED:

On May 8, 2009, the following charges, under Case# YA074994, were filed against Suspect Danny James: 69 P.C., two counts of 459 P.C., 273(a) P.C., and 496(a) P.C. His trial begins on 09-26-10 regarding all of his charges.

On December 20, 2009, an additional 459 P.C. charge under Case# BA366293, under #508-08909-0332-062, was filed against Suspect Danny James.

On May 8, 2009, the following charges, under Case# YA074994, were filed against Suspect [redacted] 11350 (a) H.S., two counts of 459 P.C., 273(a) P.C., and 496(a) P.C.

On May 6, 2009, detained petitions for 459 P.C. were filed at Los Padrinos Juvenile Court against both subjects, [redacted] FB/12 and [redacted] FB/16.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Casey Cheshier:
Service Weapon- Beretta, 92FS (Serial Number BER[redacted], Double Action Semi-Automatic Pistol, 9mm Luger).
Type Of Ammunition- Winchester Ranger SXT 9mm Luger ammunition.
Ammunition- Three rounds fired and thirteen left in the magazine.
Shell Casings- Three 9mm cartridges were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

Deputy Cheshier's weapon was examined, test fired, and found to be functional by Firearms Examiner Edmund Anderson #[redacted] of the Los Angeles County Sheriff's Department Scientific Services Bureau, Firearms Identification Section. **Lab Receipt Number K100434-35. (Refer to Exhibit A, Homicide Book page 115).**

Deputy [redacted]:
Service Weapon- Beretta, 92FS (Serial Number BER[redacted], Double Action Semi-Automatic Pistol, 9mm Luger).
Type Of Ammunition- Winchester Ranger SXT 9mm Luger ammunition.
Ammunition- One round fired and fifteen left in the magazine.
Shell Casings- One 9mm cartridge was located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

Deputy [redacted] weapon was examined, test fired, and found to be functional by Firearms Examiner Edmund Anderson #[redacted] of the Los Angeles County Sheriff's Department, Scientific Services Bureau, Firearms Identification Section. **Lab Receipt Number K100434-35. (Refer to Exhibit A, Homicide Book page 115).**

INVOLVED DEPUTIES' STATEMENTS:

Deputy Casey Cheshier, #[redacted], was interviewed by Homicide Investigators Sergeants Okada and Anderson on May 6, 2009 at 1104 hours. Sergeants Scott Hill and Jimmy Rios of Internal Affairs Bureau interviewed him on August 5, 2010, at approximately 1043 hours. The following is a summary of the IAB interview.

Deputy Cheshier was assigned as Lennox Unit 31A working with his partner, Deputy Richard DiGiovanni. They were working the early morning shift, which is [redacted] hours. They were assisting on a [redacted] call when they were given the handle on a "burglary now" call at 117th Street and Saint Andrews Place. Deputies [redacted] and Sergeant Strickland responded to the location. Prior to arriving at the location, they requested an aero unit and coordinated the call on the L-TAC frequency with the assisting units. He assigned them a tactical position. He and Deputy DiGiovanni shared the duties of coordinating the call with the assisting units.

Upon arriving at the location, Deputy Cheshier noticed the only area not covered in the containment was the south side of the location. He advised Deputy DiGiovanni and Sergeant Strickland he was going re-position himself on the street east of the location in order to observe the rear of the location. As he positioned himself next to a parked car, he saw one of the suspects placing a flat screen television on the grass, while a second suspect had a portion of their body inside a window of the residence. The suspects were taking a computer tower out through the window.

The second suspect had her feet coming out of the window first and she was laying on her stomach. He made this observation from approximately 25 to 30 yards. He was utilizing the tactical light on his weapon to make this observation. He gave the suspect verbal commands to show their hands and to get on the ground. He notified his assisting units via his portable radio on the "direct" frequency of his observations. The suspects did not comply with his verbal command and ran west over a small fence and continued north.

Deputy Cheshier advised his assisting units the suspects were running via his radio and verbally. He saw Sergeant Strickland running toward his position, so he initiated a short foot pursuit of the suspects. Upon arriving at the window, where the suspects exited, he conducted a tactical clearing of the window, so he would not be attacked or shot by additional suspects still inside the location. Upon arriving at the west wall, he looked over the wall and he could see the suspects jumping the north fence.

He did not know how far Sergeant Strickland followed him, because his focus was on the suspects running and communicating the information to his assisting units. He estimated the foot pursuit lasted only a few seconds. He did not advise he was in a foot pursuit, because it happened so quickly. He advised his assisting units the suspects were now heading north over the wall. He did not follow the suspects over the north wall, because he didn't want to place himself in a cross fire situation. He maintained his containment position at the rear of the yard.

IAB NOTE: Refer to Exhibit C, which is an audio disc containing radio transmissions from the incident.

Deputy Cheshier heard Deputy [redacted] giving the suspects verbal commands. The male suspect jumped back over the wall within 5-10 seconds and landed on his feet facing west.

The following excerpt is from the interview with Deputy Cheshier with IAB investigators describing this portion of the interview:

Cheshier: He landed facing westbound toward like the dark gate, right where the pen is at, so I'm looking at him at his left shoulder and he immediately went for his waistband and started pulling the pistol out of his waistband.

Rios: Okay, so he's...when he pulls his pistol out of his waistband, does he run back toward you or, or is he gonna run westbound?

Cheshier: No, he just starts to turn toward me. He doesn't start running any which way. He lands facing the gate, starts pulling the pistol out and turning toward me. That's when I engaged him.

Rios: How far of a distance were you when he was pulling the weapon out of his waistband? If you can recall.

Cheshier: About ten feet. I was in between the house and the garage.

Rios: And you said you were within 10 feet of him as he was running back toward you or...?

Cheshier: No, when he landed 'cause I wasn't going to go any farther north than in between the houses. When he landed and turned to face me he was probably 10 feet away. I wasn't, I was no longer closing distance on him. I was holding my position on him.

Rios: There's like these windows right here, are the windows to this garage? Is there a garage right next to him?

Cheshier: This is the garage right here sir. This is the main residence.

Rios: So were you up against this detached garage area or were you up against the main residence?

Cheshier: I was up against the detached garage on this side.

Rios: Was there any cover there? If you can recall.

Cheshier: I, I don't remember.

Rios: When he starts pulling this weapon out of his waistband, did you give him any commands?

Cheshier: At that point, I, it happened so fast no, I don't think I did.

Rios: And, and you actually saw the weapon coming out of his waistband?

Cheshier: Yeah, I saw the pistol grip and upper frame portion.

Rios: And you were utilizing once again your, your flashlight on your weapon?

Cheshier: Yes, sir.

Rios: Okay. Did he say anything to you?

Cheshier: No.

Rios: The, the back of the, or the west of this house was there any type of porch light or was there any type of lights at all?

Cheshier: I remember a motion light over the porch, you can't see it in the photo, the door that they breached, I remember a motion light right there.

Rios: There was a motion light?

Cheshier: But I don't remember if it was on when I engaged him or not.

Rios: But you could clearly see that he was pulling a weapon out of his waistband?

Cheshier: Yes.

Rios: You say you shot three times?

Cheshier: Yes, sir.

Rios: Why did you only shoot three times?

Cheshier: That was all I needed to drop the weapon and fall to the ground.

Rios: So after you shot three times you reassessed?

Cheshier: Yes.

Rios: Your target?

Cheshier: Reassessed and I know I did a tactical reload. I, I don't, I know I assessed. I levered down, I heard another round go off. I made sure who was there and I did my tactical reload and I started putting out the broadcast.

Rios: So you reloaded after your, after your initial three shots?

Cheshier: Absolutely, yes.

Rios: But you didn't shoot any further?

Cheshier: No.

Rios: Did you put out that you were, that you had been involved in a shooting?

Cheshier: Yes, sir.

Rios: At what point?

Cheshier: Right after I did my tactical reload and assessed.

Rios: And that was before your partner shot or after your partner shot?

Cheshier: After.

Rios: How long after you shot did you hear an additional shot?

Cheshier: Maybe a second. It was real quick. As he, he fell back against the wall and rolled toward the gate and then I heard the next round go off.

Rios: Did you hear any verbal commands after you shot or during your shooting?

Cheshier: I don't remember hearing much, until that round goes off, that, 'cause I wasn't expecting that fourth round to go off from Deputy [redacted]. It was not one, I don't remember hearing my rounds at all, but that round was deafening. I wouldn't be able to tell you...

Rios: It was pretty loud then?

Cheshier: That, that I remember hearing. From the point I engaged him until the point that the last round went off, I don't really remember hearing anything.

Deputy Cheshier assessed the situation, and he initiated a radio broadcast he was involved in a shooting and the suspect was down.

IAB NOTE: Refer to Exhibit C, audio disc of radio transmissions.

The suspects (Suspect [redacted] and Subject [redacted] in the car were also detained, but he did not have any contact with them. Deputy [redacted] and possibly another deputy assisted him by dragging the suspect through the gate and behind a truck on the street because the residence was still unsecured with people in the house. The fire department was staged and additional units arrived to assist. Deputy [redacted] and Deputy Cheshier took a position behind his radio car, while a team of deputies made entry into the residence to clear the house. After the location was secured, he was transported back to Lennox Station.

Deputy Cheshier stated he never breached the wall area where Deputy [redacted] was standing. He was back behind the northeast corner of the detached garage and he and Deputy [redacted] were never in a cross fire position. He described his backdrop to be a cinder block wall

Deputy Cheshier described the lighting conditions as dark, but he utilized his tactical light on his weapon for illumination.

> **IAB NOTE: Exhibit D is photo disc depicting Deputy Cheshier's weapon with the tactical light attached. Refer to Exhibit A, for the transcribed interview of Deputy Cheshier on pages 156-177 of the Homicide Book. Transcriptions of both interviews submitted with this case. The recorded interview is listed under Job #29720.**

Deputy [redacted] # [redacted] was interviewed by Internal Affairs Bureau Sergeants Jimmy Rios and Scott Hill on August 3, 2010, at 1045 hours, at the Internal Affairs Bureau, interview room #A.

Deputy [redacted] was working early morning shift on May 6, 2009, and was assigned as 32B working with his partner, Deputy [redacted]. They responded to a "burglary now" call, where they were the assisting unit on the call. The handling unit coordinated the call on the L-TAC radio frequency on the way to the call, and assigned them a position west of the location.

Upon arriving at the scene, he exited his vehicle and advanced to the corner of Ruthelen and 117th Street, just a couple of feet from his patrol car. Deputy [redacted] began to walk south on Ruthelen to get a view of the rear of the location.

Upon positioning himself at the corner, he heard radio traffic indicating the suspects were running north. He closed his containment position and ran up toward the location, when he saw two suspects jump over the fence. He was within 15 to 20 feet from where the suspects jumped over the fence. He gave them verbal commands to get on the ground. The suspects looked in his direction, and one suspect ran in a northeast direction and the other suspect jumped back over the fence.

Knowing Deputy Cheshier was in the rear yard of the location he made his way toward the gate, when he heard two to three gunshots. He also heard Deputy Cheshier say, "Drop the gun."

Deputy [redacted] positioned himself on the west side of the fence and he could see the suspect near the wall through the open gate, which was ajar approximately four to five feet. He could not see the suspect's hands, which were inside his waistband and under his sweatshirt. He gave the suspect a verbal command to stop moving and to show his hands; the suspect did not comply. Fearing the suspect was still trying to shoot from underneath his sweatshirt and fearing the suspect was going to shoot at Deputy Cheshier again, he shot at the suspect once. After he shot once, he reassessed, because the suspect's hands came out of his waistband area.

Deputy [redacted] was not using a flashlight, but was utilizing his tactical "Surefire" light, which was attached to his gun. He believed a porch light was on, but he could not see his hands, which were down by his waistband area. He estimated the distance to the suspect when he shot at the suspect was approximately five to ten feet. His backdrop was a cinder block wall.

Deputy [redacted] stated he didn't know Deputy Cheshier was on the other side of the fence, until he stepped up after the suspect stopped moving and he could see his hands, Deputy Cheshier also stepped up at the same time.

He didn't know where he was standing, but he knew he was in the yard, because he heard him when he yelled, "Drop the gun." He did not believe there was any crossfire issues, due to a cinder block separating them next to the garage wall.

Deputy [redacted] assisted Deputy DiGiovanni detain the suspects (Suspect [redacted] and Subject [redacted]) who exited the car, while Deputy Cheshier continued to detain the suspect who was in the rear of the yard.

> **IAB NOTE: Refer to Exhibit A Homicide book pages 135-155 for the transcribed interview from Deputy [redacted] Homicide interview with investigators. The IAB recorded interview is listed under Job # 29710. The transcription of the interview is attached.**

DEPARTMENT WITNESSES:

Deputy Richard DiGiovanni, #[redacted] was interviewed by IAB Sergeants Jimmy Rios and Scott Hill on August 5, 2010, at 1001 hours. The interview was conducted at Internal Affairs Bureau in Interview Room #A.

Deputy DiGiovanni was assigned as Lennox Unit 31A with his partner Deputy Cheshier on the early morning shift on May 6, 2009. They had just finished a rape call when they were assigned a prowler call, which was upgraded to burglary call. He was coordinating the call with his assisting units [redacted] Deputies [redacted] and [redacted] and 30-Sam, Sergeant Strickland.

Upon arriving at the location, they set up a containment at 117th and St. Andrews, northeast of the location. He contacted the Lennox Desk on the L-TAC frequency to see if they could contact the informant and ascertain if the individuals were still in the house or determine where the suspects were. His assisting unit positioned themselves on 117th Street and Ruthelen Avenue.

Deputy DiGiovanni was contacting the desk via his radio, when Deputy Cheshier stated he was going to position himself behind a parked vehicle on St. Andrews, so he could view the south side of the residence. He believed Sergeant Strickland followed Deputy Cheshier south on St. Andrews.

Deputy DiGiovanni heard Deputy Cheshier say he saw the suspects coming out of the rear window on the south side of the residence. He wasn't sure if he heard him on the direct frequency on his radio or if it was verbally. Deputy Cheshier told everyone the suspects were running west toward the backyard and then north. At some point, he lost sight of Deputy Cheshier, but he heard him say the suspects were going over the north wall.

Deputy DiGiovanni started to follow Deputy Cheshier to keep a visual on his partner, when he saw Sergeant Strickland chase a suspect (Subject [redacted] who had jumped over the wall. As he put out emergent traffic on his radio advising he was in a foot pursuit, the suspect fell onto the grass. Sergeant Strickland detained the suspect at gun point. He could hear Deputy Cheshier say, "let me see your hands, let me see your hands." Then he heard three to four gunshots. He heard Deputy Cheshier advise on the radio he had been involved in a deputy involved shooting.

Deputy DiGiovanni saw the suspect that was being detained by Sergeant Strickland was being cooperative, so he responded to see if the other deputies needed any assistance. He walked to the garage and saw a suspect on the ground. He heard Deputy Cheshier advising on the radio he had been involved in a deputy involved shooting. As Deputy Cheshier was speaking on the radio, he noticed shadows in a vehicle, so he advised Deputy [redacted] and Deputy [redacted] additional suspects (Suspect [redacted] and Subject [redacted]) were in a vehicle out on the street.

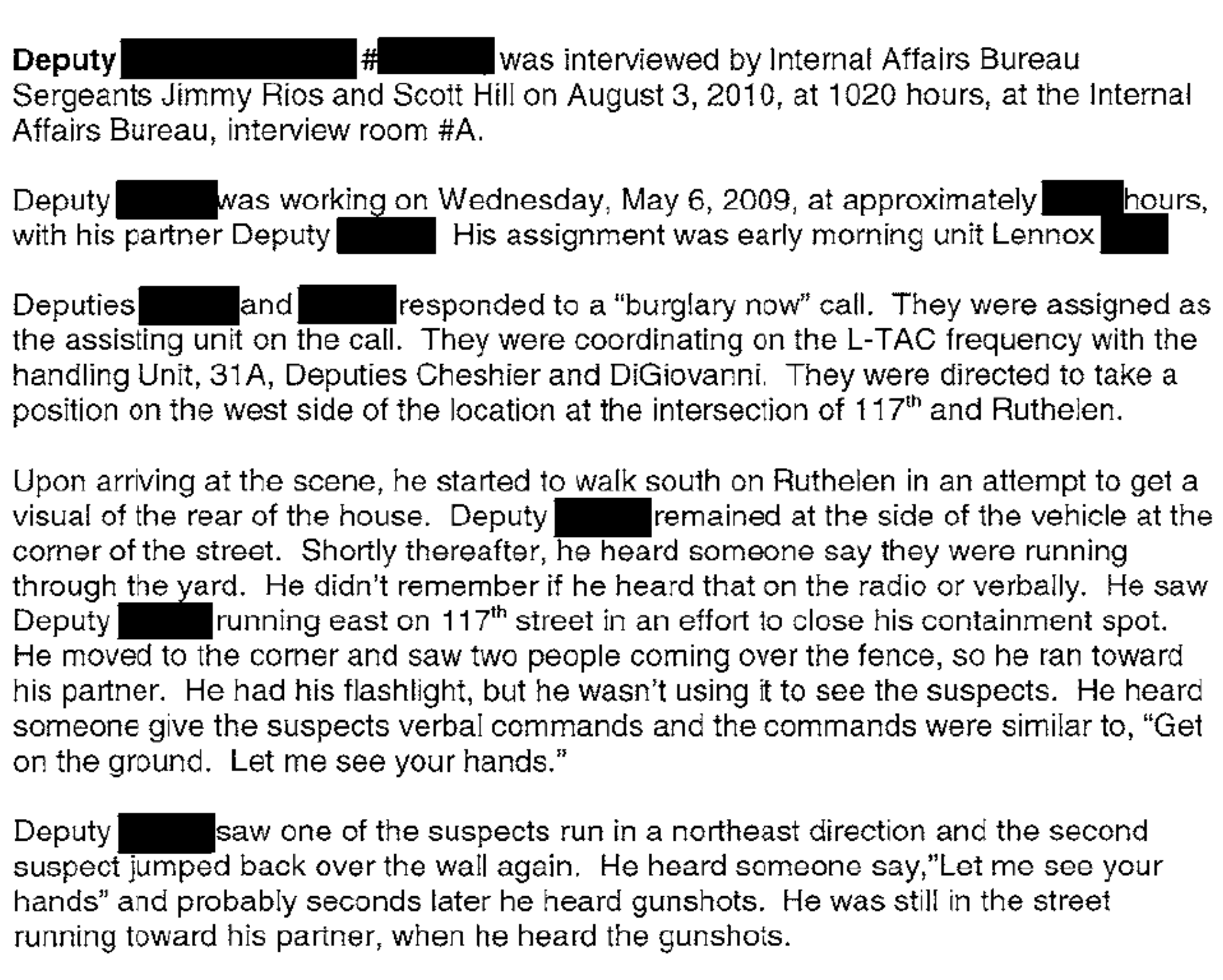
Deputy [redacted] assisted him with detaining the additional suspects who were in the car. After the suspects were placed in a patrol car, he cleared the additional cars on the street for additional suspects.

Deputy DiGiovanni pulled the suspect (Danny James) out of the area, so the paramedics could treat him for his wounds. He did not remember who assisted him in pulling him out, but he believed he conducted a quick pat down search of the suspect's waistband area and then they pulled him out onto 117th Street toward Ruthelen Avenue. He remained with the suspect, while the fire department treated him for his injuries.

Deputy DiGiovanni did not recall if he was with the entry team who entered the residence to clear the house.

Deputy DiGiovanni described the lighting conditions as very dark, but thought there were street lights on St. Andrews. He had his flashlight, but he was not using the flashlight due to the incident happening within seconds.

> **IAB NOTE: Deputy DiGiovanni's taped interview is listed under Job # 29719. The transcribed interview is submitted with the case.**



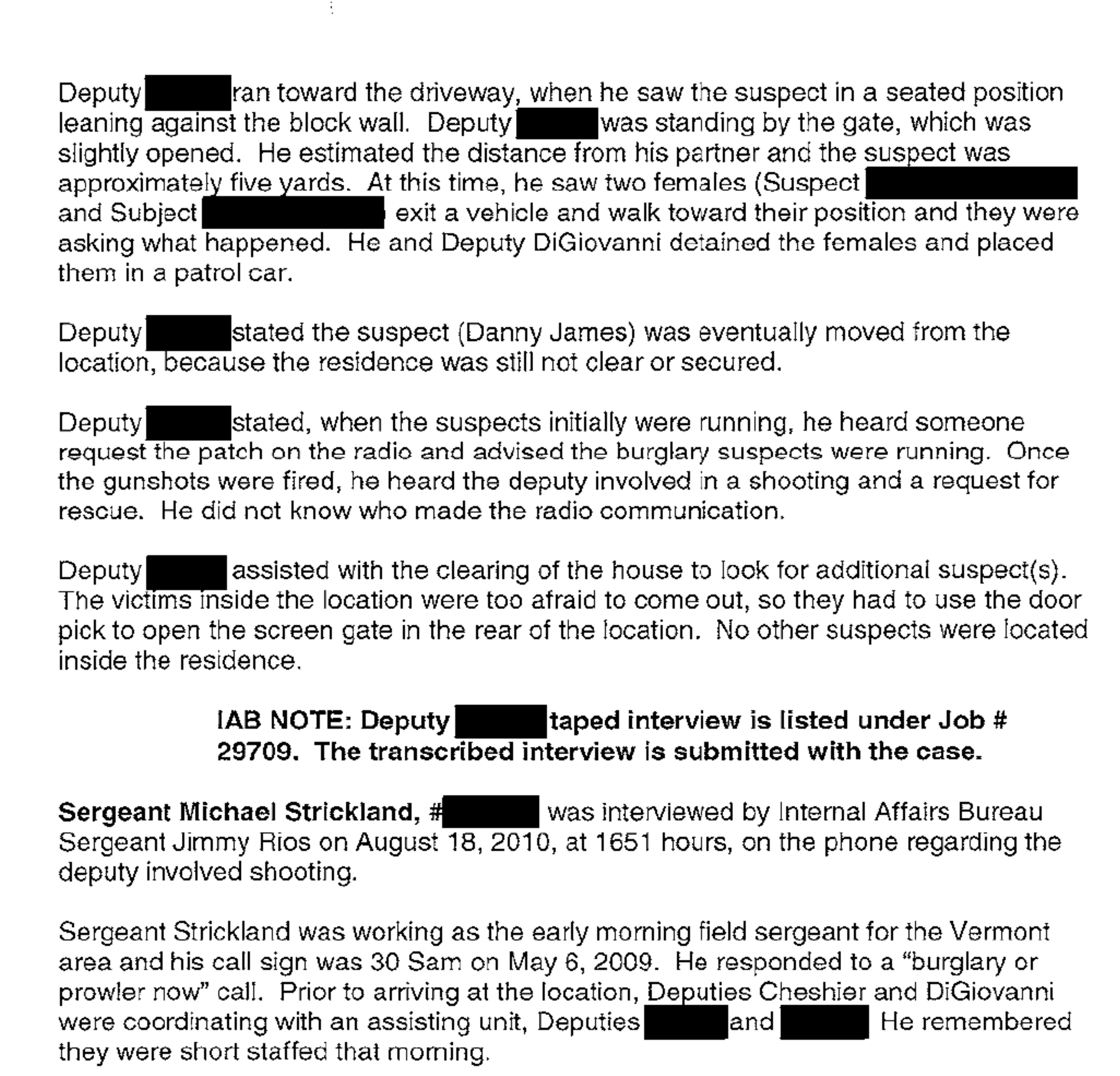
Deputy [redacted] #[redacted] was interviewed by Internal Affairs Bureau Sergeants Jimmy Rios and Scott Hill on August 3, 2010, at 1020 hours, at the Internal Affairs Bureau, interview room #A.

Deputy [redacted] was working on Wednesday, May 6, 2009, at approximately [redacted] hours, with his partner Deputy [redacted] His assignment was early morning unit Lennox [redacted]

Deputies [redacted] and [redacted] responded to a "burglary now" call. They were assigned as the assisting unit on the call. They were coordinating on the L-TAC frequency with the handling Unit, 31A, Deputies Cheshier and DiGiovanni. They were directed to take a position on the west side of the location at the intersection of 117th and Ruthelen.

Upon arriving at the scene, he started to walk south on Ruthelen in an attempt to get a visual of the rear of the house. Deputy [redacted] remained at the side of the vehicle at the corner of the street. Shortly thereafter, he heard someone say they were running through the yard. He didn't remember if he heard that on the radio or verbally. He saw Deputy [redacted] running east on 117th street in an effort to close his containment spot. He moved to the corner and saw two people coming over the fence, so he ran toward his partner. He had his flashlight, but he wasn't using it to see the suspects. He heard someone give the suspects verbal commands and the commands were similar to, "Get on the ground. Let me see your hands."

Deputy [redacted] saw one of the suspects run in a northeast direction and the second suspect jumped back over the wall again. He heard someone say,"Let me see your hands" and probably seconds later he heard gunshots. He was still in the street running toward his partner, when he heard the gunshots.



Deputy [redacted] ran toward the driveway, when he saw the suspect in a seated position leaning against the block wall. Deputy [redacted] was standing by the gate, which was slightly opened. He estimated the distance from his partner and the suspect was approximately five yards. At this time, he saw two females (Suspect [redacted] and Subject [redacted] exit a vehicle and walk toward their position and they were asking what happened. He and Deputy DiGiovanni detained the females and placed them in a patrol car.

Deputy [redacted] stated the suspect (Danny James) was eventually moved from the location, because the residence was still not clear or secured.

Deputy [redacted] stated, when the suspects initially were running, he heard someone request the patch on the radio and advised the burglary suspects were running. Once the gunshots were fired, he heard the deputy involved in a shooting and a request for rescue. He did not know who made the radio communication.

Deputy [redacted] assisted with the clearing of the house to look for additional suspect(s). The victims inside the location were too afraid to come out, so they had to use the door pick to open the screen gate in the rear of the location. No other suspects were located inside the residence.

> **IAB NOTE: Deputy [redacted] taped interview is listed under Job # 29709. The transcribed interview is submitted with the case.**

Sergeant Michael Strickland, #[redacted] was interviewed by Internal Affairs Bureau Sergeant Jimmy Rios on August 18, 2010, at 1651 hours, on the phone regarding the deputy involved shooting.

Sergeant Strickland was working as the early morning field sergeant for the Vermont area and his call sign was 30 Sam on May 6, 2009. He responded to a "burglary or prowler now" call. Prior to arriving at the location, Deputies Cheshier and DiGiovanni were coordinating with an assisting unit, Deputies [redacted] and [redacted] He remembered they were short staffed that morning.

Sergeant Strickland took a position on the corner with the handling unit. At this time, Deputy Cheshier advised him he was going to take a position to the south of their initial position, so he could have a visual on the south side of the house. Deputy Cheshier moved to the east of the residence and he saw him point his handgun toward the target location and yell something to the effect of, "Stop, show me your hands." At that point, he started moving toward him and he estimated their distance apart was approximately 20-25 feet. As he started to move closer to Deputy Cheshier, he tripped and fell, severely injuring his right hand. He immediately got up and continued to run toward him. He did not see the suspects.

When Sergeant Strickland came around the corner of the house, Deputy Cheshier was on the west side of the wall, but he had stopped and was pointing north saying, "They're running to the north. They're running to the north. Go back around."

Sergeant Strickland wasn't sure if he would be able to make it over the wall, because his hand was bleeding profusely, so he cut back to the east and ran north through the yard to the north side of the house. Once he arrived at the front of the house, he saw a suspect (Subject [redacted]) running in a northeast direction from the location. He and Deputy DiGiovanni ran after the suspect approximately 15-20 feet, and detained the suspect at gun point in the front yard of the home, directly across the street from the target location. The suspect laid on the ground complying with his commands to get on the ground. Seconds later, he heard gunfire, and told Deputy DiGiovanni to respond and assist the deputies, while he remained and detained the suspect.

Within a minute or two, another deputy assisted him by handcuffing the suspect and he responded to check on the deputies. Upon arriving at the fence, he saw Deputies Cheshier and [redacted] near the suspect (Danny James) who was down on the ground and was bleeding. The suspect was uncooperative, while he was lying on his side. He observed the suspect moved his hand out of the sight of the deputies at least once that he remembered, and he believed the deputies used commendable restraint in not using any more force on the suspect. The deputies gave him verbal commands and he wasn't listening to their commands.

The suspect was handcuffed and taken down the street, so the fire department could treat him for his injuries. The suspect was moved, because the house was not secure and it was not safe for the fire department to respond to the location to treat the suspect.

Sergeant Strickland took part in clearing the residence and escorted the family out of the house to check for additional suspect(s). They did not find any additional suspects inside the residence.

Sergeant Strickland transported Deputies Cheshier and [redacted] to the station.

IAB NOTE: Sergeant Strickland's taped interview is listed under Job # 29824. The transcribed interview is submitted with the case.

NON-DEPARTMENT WITNESSES:

[redacted] **FB/25,** was interviewed on Wednesday, May 6, 2009, at approximately 0855 hours by Homicide Investigators Sergeant Rich Garcia and Detective Mitchell Robison. The interview was conducted at Lennox Station and was recorded.

Ms. [redacted] was in the southwest bedroom typing on her computer at approximately 3:00 a.m., when she heard footsteps outside of her window. She was startled and jumped up and two or three minutes later, she heard the footsteps again and then heard them inside her house, right outside of her door. Before she called the station she called out and yelled out, " Hey." A person sounding like a younger man replied, "Hey." She did not recognize the voice. She called 9-1-1 and was talking to the sheriff dispatcher. The sheriff dispatcher told her to calm down and reassured her the deputies were on the way. The dispatcher told her to call out her [redacted] name. She yelled out, "[redacted]" but did not receive a response from her.

Soon after, Ms. [redacted] heard a bunch of footsteps and noise, but couldn't differentiate where they were coming from. She heard someone say we have your house surrounded and she heard the helicopter overheard. She heard someone say "freeze" and heard three pops. She then heard several voices say, " Do not move. Stay down. Stay down. Stay down."

Ms. [redacted] refused to exit the house, until the deputies were inside the house. Ms. [redacted] stated she rents a room at the location, which is owned by [redacted]

IAB NOTE: Refer to the transcribed interview listed under Job #29162 for Witness [redacted] interview.

[redacted], **FB/77,** was interviewed on Wednesday, May 6, 2009, at 0815 hours, by Homicide Investigators Sergeant Richard Garcia and Detective Mitch Robison.

Ms. [redacted] resides at [redacted] and has lived there for five years. She lives with a [redacted] of her [redacted] named [redacted] and her two [redacted] She was awakened in the morning by a helicopter circling over her house and she heard two gunshots. She thought she was dreaming when she heard those shots. Ms. [redacted] were in her bed asleep. She went to the bathroom and went to the side door and opened the door and saw a man lying in the driveway. She thought to herself, "I'm going to ask my neighbor what had happened."

Soon after , the deputies were breaking the door to get in her house. She thought it was "robbers or intruders" who were trying to get in her house. She was in her bedroom in the back of the house, near the garage, when they entered the house.

Ms. [redacted] stated no one (suspects) had permission to enter her house, especially at that time in the morning, and they didn't knock on her door.

IAB NOTE: The interview was recorded and is listed under Job# 29163. The transcribed interview is submitted.

SUSPECT DANNY JAMES' INTERVIEW:

Homicide Investigators attempted on three occasions to speak to Suspect Danny James. Suspect Danny James refused to speak to investigators.

> **IAB NOTE: The interviews were recorded and are listed under Job# 29147- 48. The transcribed interview is submitted.**

SUSPECT [redacted] INTERVIEW:

On May 6, 2009, at 1315 hours, Homicide Detectives Anderson and Okada interviewed [redacted] at Lennox Station.

Suspect [redacted] stated she received a phone call from her [redacted] Danny James, at approximately 2:00 a.m., to pick him and his [redacted], [redacted] at their [redacted] house on St. Andrews Place. She drove to the location in her white Buick and was accompanied by her [redacted], Subject [redacted]. She drove to her [redacted] house and did not see him. She called him and told him to meet her by the park. She pulled over to the curb on 117th Street and began to talk with a friend on her cellular phone. While she was on the phone, she saw several police cars stop at Ruthelen Street. She saw several police cars stop near her car, and she was confused and didn't know what to do.

Suspect [redacted] heard people running and heard someone say, " get down, get down." She saw two people jump over a gate, and one of them ran back to the gate and was shot several times. She got out of her car, and was told to get down. She complied and laid on the ground. As she was being handcuffed, she saw police drag the person they shot onto the street, and recognized her [redacted] Danny James.

> **IAB NOTE: The interviews were recorded and are listed under Job# 29152. The transcribed interview is submitted.**

SUBJECT [redacted] INTERVIEW:

On May 6, 2009, at 1022 hours, Homicide Investigators Anderson and Okada interviewed [redacted] at Lennox Station.

[redacted] admitted to being Danny James' [redacted] She stated her [redacted] and Danny James got into an argument earlier at her house. She left with Danny James and later was picked up by Danny's [redacted], [redacted] and [redacted] in the City of Gardena. They drove around for awhile, until Danny and her were dropped off at Imperial Highway and Western Avenue.

[redacted] and Danny James were walking around trying to find a place to sleep. They went to Danny's [redacted] house. She was standing on the south side of the corner of the house when she heard a police radio. She saw an officer flash a light at her and say "freeze." She saw his gun and she ran away, across the street and dropped to the ground. While she was on the ground she heard gunshots. She heard someone say, " stop, stop, don't move." She saw the police dragging someone from where she heard the shooting.

[redacted] denied going into the house and did not know the location of Suspect Danny James. She admitted to seeing a computer screen on the ground, but did not know how the screen got there.

> **IAB NOTE: The interview was recorded and is listed under Job# 29160. The transcribed interview is submitted.**

SUBJECT [redacted] INTERVIEW:

On May 6, 2009, at 0908 hours, Homicide Detectives Anderson and Okada interviewed [redacted] at Lennox Station.

Subject [redacted] admitted to being on probation and had been [redacted] Danny and [redacted] are her [redacted]. [redacted] was driving her back to her [redacted] house, when she saw a lot of police cars approach. [redacted] parked her car and a short time later she heard a lot of shooting. She saw one person run, and the police shot him for no reason. He did not have anything in his hand, so she didn't understand why he was shot. She stated she was able to see the shooting, while she was still inside the car. She denied burglarizing anyone's home and denied being any part of a plan to burglarize homes.

> **IAB NOTE: It should be noted the vehicle where Subject [redacted] was seated in, was parked on the north side of 117th Street. The shooting occurred in the rear yard and there is a 6' high cinder block wall between the rear yard and the street. The interview was recorded and is listed under Job# 29155. The transcribed interview is submitted. Exhibit E is a photo disc depicting the location and area. Included in the photo disc are aerial shots of the location and area.**

COMPLETED BY: Sergeant Jimmy Rios, Internal Affairs Bureau
DATE: September 3, 2010